

STATE OF GEORGIA

CITY OF STOCKBRIDGE

RESOLUTION NO. R16-763

A RESOLUTION TO AUTHORIZE A VARIANCE FROM CERTAIN PROVISIONS OF THE STOCKBRIDGE MUNICIPAL CODE AT 112 OLD CONYERS ROAD; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES..

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to authorize certain variances from the provisions of the Stockbridge Municipal Code at 112 Old Conyers Road; and

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Resolution.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY RESOLVES:

Section 1. That the variance requests for 112 Old Conyers Road, more particularly described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, from certain requirements of the Stockbridge Municipal Code are hereby approved or denied as follows:

1. The variance request to reduce the required planning buffer between C-3 and RA properties as presented to the Council on September 27, 2016 is APPROVED.

2. The variance request to reduce the number of required parking spaces on site is DENIED.
3. The variance request to eliminate the loading space requirement as presented to the Council on September 27, 2016 is APPROVED.
4. The variance request to eliminate the City's stream buffer requirement and impervious surface setback requirement, allowing the State's requirement of 25' to govern is APPROVED.

Section 2. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional

or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All resolutions and parts of resolutions in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Resolution shall be and are hereby made applicable to this Resolution and shall remain in full force and effect.

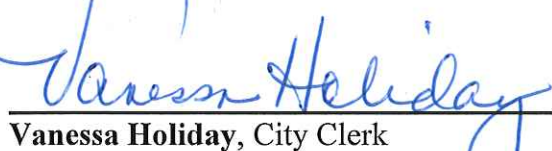
Section 6. The effective date of this Resolution shall be the date of adoption unless otherwise specified herein.

RESOLVED this 27th day of September, 2016.


CITY OF STOCKBRIDGE, GEORGIA


Anthony S. Ford, Mayor Pro Tem

ATTEST:


Vanessa Holiday, City Clerk

APPROVED AS TO FORM:


Michael Williams, City Attorney



Variance Evaluation Report
Stockbridge City Council

HENRY COUNTY PLANNING & ZONING

VR-16-10-S

City of Stockbridge:

Staff Report Prepared by: Stacey Jordan-Rudeseal, Chief Planner

Applicant: Anita Johnson/JS Venue Plus
1355 Mt. Zion Road
Morrow, GA 30260
(404) 376-4336

Location: 112 Old Conyers Road
Land Lot 68 of the 12th District

Parcel ID: S24-01002000

Request: 1) Reduce the perimeter buffer requirement from 50' to 40'.
2) Reduce required parking from one (1) space per unit, plus one (1) per two (2) employees to the existing number of spaces (no additional spaces proposed).
3) Eliminate the loading space requirement.
4) Eliminate the City's stream buffer requirement and impervious surface setback requirement. Allow the State's requirement of 25' to govern.

Proposed Use
/Purpose: Bed and Breakfast

Current Land Use: Single-Family Residence

Future Land Use: Commercial and Low-Density Residential (1.0-2.0 du/acre)

Sign Posted: August 26, 2016

City Meeting: September 12, 2016

Lot Size: 3.734 +/- acres

Road Access: Old Conyers Road (major arterial)

Zoning History:

The subject property is zoned C-2 (General Commercial) according to the City of Stockbridge Official Zoning Map, adopted on December 10, 2012. There is a file (85-10) that indicates that the subject property was rezoned from R-85 (Single-Family Residence) to R-125 (Single-Family Residence) on December 9, 1985. The subject property was rezoned as part of a larger 10.98 acre tract on January 8, 2007, subject to a development agreement with the following conditions.

- Limited Uses of Property
 - Social Events
 - Family Reunions
 - Birthday Parties
 - Anniversaries
 - Weddings, Wedding Reception
 - Bachelor/Bachelorette Parties
 - Engagement Parties

- Banquets
- Theme Parties
- Class Reunions
- Fashion Shows
- High School Proms
- Special Occasion Events (Valentine's Day, Halloween, Christmas, New Year's)
- Small Business Meetings
 - Breakfast Meetings
 - Year-in-Review Sessions
 - Business Luncheon Roundtables
 - Corporate Conferences
 - Corporate Seminars
 - Corporate Affairs (general)
- Religious Events
 - Spiritual Retreats
 - Denominational Conferences
 - Church Anniversaries
 - Bar/Bat Mitzvahs
 - Cultural Events
- Military/Government
 - Squadron/Unit Reunions
 - Military Formals
 - Armed Forces Functions
- Educational Events
 - Seminars
 - Training Workshops
 - School Programs
 - Graduations
 - Award Banquets
 - Job Fairs
 - Trade Shows
 - Grounds (School Pictures)
 - Continuing Education Classes
 - Ballroom Dancing Classes
- Club and Organization Events
 - Charity Benefits
 - Fundraising Awareness/Recognition Ceremonies
 - Sports Team Functions and Fundraisers
- Conditions
 1. Each side of all buildings shall be residential in appearance and consist of brick, stone, stucco, wood siding, glass, or any combination thereof.
 2. Primary ground signage shall consist of a monument-based sign that is consistent in design with structures on the site, consisting of brick, stone, stucco, or any combination thereof, and shall not exceed eight feet (8') in height.
 3. Dumpster(s) shall be placed on a concrete pad and enclosed on three sides. The enclosure shall be constructed of brick, stone, stucco, or any combination thereof, provided it is consistent with the design features of structures on the site, and shall not exceed eight feet (8') in height.
 4. An exterior lighting plan shall require all lighting to be of moderate brightness and consist of downcast lighting.
 5. A decorative brick or stone privacy fence shall be constructed along all property lines that directly abut residential land uses, which fence shall be no less than six feet (6') in height but no more than eight feet (8') in height.

6. The development shall design and construct an acceleration taper/deceleration lane, which shall be constructed to Henry County Department of Transportation standards, at each entrance and exit.
 7. Each entrance, exit, and driveway shall meet minimum intersection site distance per the posted speed limit of Old Conyers Road and Collier Road.
 8. Any entrances to the site shall be located a minimum of 250 feet from Collier Road and 125 feet from Stapleton Drive. An entrance may be aligned with Stapleton Drive.
 9. Developer shall install sidewalks along the site's frontage on Old Conyers Road and Collier Road, having a minimum width of five feet (5').
 10. The applicant agrees to donate right-of-way to the City to achieve an 80 foot right-of-way for Old Conyers Road and a 60 foot right-of-way for Collier Road.
- **Development and Landscaping Plans**
 - o [A maximum of] 8,000 square feet (includes inside banquet kitchen, ballroom, banquet room for 600 sit-down [guests]/800 capacity auditorium, conference rooms, new wedding chapel.
 - o Grounds to include: podium, pavilion, softball field, other family-related activities, manicured grounds.
 - o Renovation [of] house on Old Conyers Road for Office Center Facilities.

Table 1.0 illustrates the current zoning and land uses of surrounding properties.

Table 1.0 Current Zoning and Land Uses of Adjacent Properties

	Current Zoning	Current Land Use
North	C-2 (General Commercial)	Single-Family Residence
East	C-2 (General Commercial)	Single-Family Residence
South	OI (Office-Institutional) & R-2 (Single-Family Residence)	Church Single-Family Residences
West	C-2 (General Commercial)	Shopping Center

Source: City of Stockbridge Official Zoning Map

Executive Summary:

The applicant is requesting a variance to C-3 (Heavy Commercial) development regulations to support the rezoning the subject property from C-2 (General Commercial) to C-3 (Heavy Commercial) for a bed and breakfast. The City of Stockbridge does not specifically provide for bed and breakfast in the zoning code. Therefore, the applicant is requesting a rezoning to C-3 which would allow the subject property to be used as a hotel. Because the subject property is bound by a development agreement with two neighboring parcels, which would not be able to satisfy the development agreement without the subject property, reversion proceedings have begun to revert the zoning of the subject property and the two neighboring parcels from C-2 back to RA (Residential-Agricultural). Should the City Council wish to allow the subject property to be developed as a bed and breakfast, the reversion of the subject property should be declined.

Development Regulations Relevant to Request:

- City of Stockbridge Code of Ordinances.
- Henry County/Cities Joint 2030 Comprehensive Plan.
- All other City and County Code sections regarding site development standards and requirements.

Criteria for Granting a Variance per Section 3-7-273:

Criteria 1: *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.*

There is an existing lake on the subject property that would seem to justify the requested variances.

Criteria 2: *A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties of the district.*

A literal interpretation of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the district.

Criteria 3: *Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.*

Granting the variances as requested would confer upon the property of the applicant special privileges denied to other properties within the district; however, other property owners may also request a variance.

Criteria 4: *The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general public.*

The requested variances are in harmony with the intent of the chapter. However, reducing the required number of parking spaces may cause problems with residents and guests, particularly on holidays and other times when family and friends gather.

Criteria 5: *The special circumstances are not the result of the actions of the applicant.*

The special circumstances are the result of the actions of the applicant.

Criteria 6: *The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.*

The requested variances are not the minimum necessary to make possible the legal use of the property if it remains a single-family residence.

Criteria 7: *The variance is not a request to permit a use of land, buildings, or structures, which is not permitted by right in the district involved.*

The variance requested is not intended to permit a use of land, buildings, or structures, which is not permitted by right in the requested district.

Recommendation:

Planning staff recommends **Denial** of the request.

Attachments

- Letter of Intent
- Survey
- Site Plan
- Sign Photo
- Tax Map

Variance Request

112 Old Conyers Rd
Stockbridge, Ga 30281

- **Request variance to city buffer requirement of 50'**

Reduce buffer required and buffer specifications to existing site conditions to accommodate current driveway to access houses located behind and next door to Bed & Breakfast. Reduce from 50' to 40'. Any new construction of an exterior building will make this null and void.

- **Request variance to hotel/motel parking and loading space requirement of: Parking - 1 per unit, plus 1 per 2 employees on the same shift; Loading - 1 space for the first 5000sf of floor area, plus 1 for each additional 50,000sf or fraction thereof.**

We are not trying to be a hotel. This is a house with a family residing and will remain as a house offering an alternative form of lodging for visitors who prefer a residential setting. There are (5) existing parking spaces which satisfies 1 per bedroom plus 1 per 2 employees. The house is less than 5000sf of floor area and supplies will be purchased based on normal residential use only. Therefore, we are requesting exemption to having an additional loading area outside of existing residential parking.

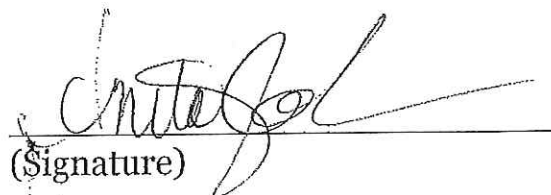
In addition, we request city to adopt county code 4.03.28(d) as it pertains to Drop-off/Pickup Areas for Bed & Breakfast. It allows drop-off and pick-up areas to be located offsite, away from residential areas, and separated from parking areas. This will apply to visitors attending recreational or social activities.

Wedding attendees will be transported roundtrip from Morrow location to Bed & Breakfast. Bus pickup/dropoff and turnaround will take place off premises at Publix Shopping Center located next door to B&B.

- **Request variance to city buffer requirement of 50'**

Request buffer reduction to a minimum of state allowance of 25' for current detached metal building structure with existing living space. The structure is not in a flood zone and was constructed along with residence back in 1995 before added city and county buffers in 2009. Structure will remain as is with the addition of plumbing only inside the 4 walls to accommodate a restroom.

Anita Johnson (JS Venue Plus)
(Print Name)


(Signature)





**VARIANCE
REZONNING**

CITY OF STOCKBRIDGE PUBLIC HEARING
RE: C-2 to C-3
DATE: Sept. 12, 2016
TIME: 6:00 pm
LOCATION: Stockbridge City Hall
4640 North Henry Blvd., Stockbridge, GA
FOR MORE INFO:
770-288-7526 / www.hcpz.org

REZONNING

CITY OF STOCKBRIDGE PUBLIC HEARING
RE: Reversion
DATE: Sept. 12, 2016
TIME: 6:00pm
LOCATION: Stockbridge City Hall
4640 North Henry Blvd., Stockbridge, GA
FOR MORE INFO:
770-288-7526 / www.hcpz.org

08/26/2016

Legend

Request

RZ-16-19-S



TAX MAP

Scale: 1" = 800'



This map is for graphical representation only. It is not a legal document.

